IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.1931 OF 2005

Pranjay Purshotambhai Goradia ...Petitioner
vs.
State of Maharashtra & Ors. ...Respondents

Mr.N.N.Gawankar with Mr.Arfan Sait for the Petitioner
Ms M.H.Mhatre,A.P.P. for State

CORAM: A.S.OKA,J.
DATE : AUGUST 22,2005

P.C.:

1. Heard learned Advocate for the Petitioner and the learned A.P.P. for State. An application was made by the Petitioner for grant of Parole leave under Rule 19 of the Prisons (Bombay Furlough and Parole leave) Rules, 1959. The said application has been rejected by order dated 4th April 2005 on the basis of adverse police report. It is this order dated 4th April 2005 which is subject matter of challenge in this Writ Petition.

2. The learned Counsel for the Petitioner submitted that the Petitioner has been convicted by order dated 18th March 2004 and prior to that for a period of 14 years the Petitioner was on bail. He submitted that during the said period of 14 years there is no adverse allegation made against the Petitioner. He submitted that a ground was made out for grant of parole leave. The learned A.P.P. has placed reliance on a report dated 19th March 2005 submitted by the Deputy Commissioner of Police, Zone-I, Ahmedabad City. In the said report all that is stated by the Deputy Commissioner of Police is "Going

through the enquiry conducted by the Police Inspector of Naranpur Police Station, I do not recommend to grant parole leave to the convict No.C-44526, Pranjay Purshotombhai Goradia".

3. Except for what is stated above, the Dy.Commissioner of Police has not stated anything else in his report. In my view, on the basis of such vague report, parole leave could not have been denied to the Petitioner. The Petitioner's father has offered himself as a surety. The reason for seeking parole is the serious illness of the mother of the Petitioner.

4. In my view as the application for parole made by the Petitioner has been rejected on the ground which is totally unsustainable, the same deserves to be considered afresh.

5. Hence, I pass the following order :

i) Impugned order dated 4th April 2005 is quashed and set aside and the application made by the Petitioner for parole leave shall be considered by the Respondent No.3 afresh within a period of four weeks from today.

ii) It is made clear that if the Petitioner is otherwise entitled to parole leave, his application shall be considered favourably without being influenced by the report of the

Deputy Commissioner of Police, Zone-I, Ahmedabad City.

. Parties to act upon an authenticated copy of this order.

JUDGE